

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26526-26725

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 10, 1937]

26526. Adulteration and misbranding of cheese. U. S. v. Frank Gaybrant, trading as Corticelli & Gaybrant. Plea of guilty. Fine, \$75. (F. & D. no. 36021. Sample no. 27763-B.)

This case involved skim milk cheese containing added starch that had been substituted for Italian grated cheese. The label failed to bear a plain and correct statement of the quantity of the contents.

On November 21, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank Gaybrant, trading as Corticelli & Gaybrant, Newark, N. J., alleging that on or about June 18, 1935, the defendant shipped from Newark, N. J., to the District of Columbia a quantity of cheese that was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Italian Grated Cheese * * * Corticelli & Gaybrant * * * Newark, N. J. Contains 1½ Oz. Packed."

The article was alleged to be adulterated in that skim milk cheese and added starch had been mixed and packed with it so as to reduce and lower and injuriously affect its quality; and in that a product consisting of skim milk cheese and added starch had been substituted for Italian grated cheese composed of a blend of genuine Parmesan and other choice Italian cheeses, which the article purported to be.

The article was alleged to be misbranded in that the statements, "Italian Grated Cheese" and "This Package Contains A Blend of Genuine Parmesan and Other Choice Italian Cheeses", borne on the packages, were false and misleading in that the said statements represented that the article was Italian grated cheese composed of a blend of genuine Parmesan and other Italian cheeses, whereas it was not; in that the statements were borne on the packages so as to deceive and mislead the purchaser; in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement "Contains 1½ Oz. Packed" was borne on the package in such small and blurred lettering as to be practically unnoticeable; and in that the quantity of the contents in some of the packages was less than the quantity stated on the label.

On November 27, 1935, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75.

M. L. WILSON, Acting Secretary of Agriculture.

26527. Adulteration of canned salmon. U. S. v. 2,017, 3,170, and 13,220 Cases of Salmon. Portion of product condemned and released under bond; remainder released unconditionally. (F. & D. nos. 36815, 36861, 36874. Sample nos. 53834-B, 53840-B, 53841-B, 54374-B, 54375-B, 54377-B.)

These cases involved canned salmon that was in part decomposed.

On December 19, 23, and 30, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18,407 cases of canned salmon at Bellingham, Wash., alleging that the article had been shipped in interstate commerce between the dates of June 8 and August 20, 1935, by the Pacific American Fisheries, Inc., from Alitak and King Cove, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 6, 1936, the Pacific American Fisheries, Inc., having appeared as claimant, judgments of condemnation were entered covering portions of said shipments, consisting of approximately 7,554 cases, and it was ordered that the said portions be released under bond conditioned that the cans containing decomposed salmon be separated therefrom and destroyed. The remainder was released as not adulterated.

M. L. WILSON, *Acting Secretary of Agriculture.*

26528. Adulteration of canned tuna. U. S. v. 74 Cases of Canned Tuna. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 36752. Sample no. 85125-B.)

This case involved canned tuna that was in part decomposed.

On December 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cases of canned tuna at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 20, 1935, by the Coast Fishing Co., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sea Ace Brand Extra Quality Tuna * * * Packed by Franco-Italian Packing Co. Inc. Terminal Island California."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 23, 1936, the Franco-Italian Packing Co., a corporation, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the cans containing decomposed tuna be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26529. Adulteration of crab meat. U. S. v. William G. Ruark (W. G. Ruark & Co.) Plea of nolo contendere. Fine, \$50. (F. & D. no. 36959. Sample nos. 4699-B, 5051-B, 32187-A, 39736-B, 39740-B, 39741-B, 39765-B, 39915-B.)

This case involved crab meat that was filthy as evidenced by the presence of fecal *Bacillus coli*.

On April 6, 1936, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William G. Ruark, trading as W. G. Ruark & Co., Belhaven, N. C., alleging that the defendant had shipped in interstate commerce from the State of North Carolina various lots of crab meat; that the shipments had been made on or about July 3, 1933, into the State of New York; on or about August 12 and August 19, 1934, into the District of Columbia; and on or about July 12, 16, 17, 18, and 20, 1935, into the State of Maryland and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Green Top Brand."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance, since it was polluted by and contained fecal *B. coli*.

On October 5, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

26530. Adulteration of canned salmon. U. S. v. Alaska Salmon Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36968. Sample nos. 40500-B, 40518-B, 40879-B, 40896-B.)

This case involved canned salmon that was in part decomposed.

On May 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Southern Packing Co., a corporation, with its principal place of business at Kupreanof Harbor, Alaska, and trading at Seattle, Wash., alleging that on or about July 29, 1935, the defendant company shipped from Kupreanof Harbor, Alaska, into the State of Washington a quantity of canned salmon that was adulterated in violation of the Food and Drugs Act.

The information alleged that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On November 2, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*